

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM J. WAGNER,

Plaintiff,

v.

Civil Action No.1:15-cv-633-FPG

CHIARI & ILECKI, LLP,

Defendant.

NOTICE OF MOTION

Upon the annexed Affirmation of Kenneth R. Hiller, Esq. dated November 6, 2016, Plaintiff, by counsel, moves the Court for the following relief:

1. That at the trial of this matter, that Defendant and/or their counsel may not refer to, introduce evidence of, or conduct examination related to:
 - A. Plaintiff and/or plaintiff's counsel's potential claim for attorneys fees in this action.
 - B. Plaintiff's counsel's procedures in investigating, filing and litigating consumer lawsuits.
 - C. The number of consumer lawsuits filed by Plaintiff's counsel.
 - D. Plaintiff's counsel's actions on behalf of Plaintiff prior to the filing of this lawsuit, including but not limited to Plaintiff's counsel's failure to provide written evidence of Plaintiff's identity to Defendant, or Plaintiff's counsel's failure to inform or warn Defendant of their intent to file a civil lawsuit against them.
2. That the Defendant be barred from introducing an evidence regarding the June 29, 2015 telephone calls at trial. This would include an order that the entries in the event sheet for June 29, 2015, if ultimately offered as evidence at trial, be redacted.
3. A protective order finding that Plaintiff shall not be required to respond to Defendant's First

Requests for Admission.

4. A protective order prohibiting the Defendant from deposing Seth Andrews, or in the alternative, if this Court permits the introduction of evidence regarding the June 29, 2015 telephone calls to be introduced as evidence at trial, that the deposition be limited to questions about Mr. Andrews telephone discussions with Melissa Overbeck.
5. In the event that this Court does not grant Plaintiff's Motion in Limine in its entirety, an order disqualifying the firm of Connors LLP from any further representation of the Defendant in this action.
6. Such other and further relief as this Court deems just and equitable.

Counsel for Plaintiff certifies that he has attempted in good faith to resolve this matter with counsel for the Defendant without success.

DATED: December 15, 2016

/s/Kenneth R. Hiller, Esq.
Kenneth R. Hiller, Esq.
Law Offices of Kenneth Hiller PLLC
Attorneys for Plaintiff
6000 North Bailey Ave., Suite 1A
Amherst, New York 14226
(716) 564-3288
khiller@kennethhiller.com